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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,646	08/30/2002	Joseph R. Lakowicz	UNIMD 6	7436

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EXAMINER

O SULLIVAN, PETER G

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1621

Claims 1-17 are pending in this application. Upon further consideration, the following restriction requirement is made.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 2 and 4-17, drawn to luminophores wherein the donor and acceptor are covalently linked with a linking group and to methods of labeling compounds, identifying chemical species or providing a probe using such a luminophore.

Group II, claim(s) 1, 3-7, 13, 16 and 17, drawn to luminophores wherein the donor and acceptor are not covalently linked and to methods of providing a probe using such a luminophore.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: applicants' luminophores wherein the the donor and acceptor are covalently linked or not covalently linked are structurally disparate so that a reference anticipating one would not necessarily render the other obvious.

Applicants are further required to elect a single disclosed species, i.e. a single disclosed luminophore, for examination purposes..

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Peter G. O'Sullivan at telephone number (571)272-0642.


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GROUP 1200